

AMENDED IN ASSEMBLY APRIL 8, 2003
AMENDED IN ASSEMBLY MARCH 25, 2003
CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1135

Introduced by Assembly Member Spitzer

February 21, 2003

An act to add Section 1714.27 to the Civil Code, relating to immunity.

LEGISLATIVE COUNSEL'S DIGEST

AB 1135, as amended, Spitzer. Immunity: rides: intoxicated passengers.

Existing law provides immunity from civil liability for injury or death to a person caused by the acts or omissions of certain persons or entities, as specified.

This bill would provide comparable immunity to any person or organization that provides vehicular rides to intoxicated persons for any injury to, or death of, an intoxicated passenger resulting from any ride thereof, if that passenger contributed to the cause of the injury or death by a percentage of fault of more than 50% , *so long as the driver of the vehicle in which that passenger was riding is not found to have been in violation of Vehicle Code provisions prohibiting driving under the influence of any alcoholic beverage or drug.*

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known and may be cited as
2 Allison’s Law.
3 SEC. 2. Section 1714.27 is added to the Civil Code, to read:
4 1714.27. Any person or organization that provides vehicular
5 rides to intoxicated persons is not liable for any injury to, or death
6 of, an intoxicated passenger resulting from any ride thereof, if that
7 passenger contributed to the cause of his or her injury or death by
8 a percentage of fault of more than 50 percent, *so long as the driver*
9 *of the vehicle in which that passenger was riding is not found to*
10 *have been in violation of Section 23152 or 23153 of the Vehicle*
11 *Code*. The doctrine of comparative fault is not applicable to these
12 circumstances.

